

What You Don't Know Can Hurt You: Discovering the JAG Corps Online Military Justice Resources

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*"Military justice is our statutory mission and at the core of a disciplined fighting force. We must do it right and we must do it well."*¹

I. Introduction

To assist judge advocates who practice military justice in carrying out their mission in a right and well manner, it is imperative that the Judge Advocate General's Corps (JAGC) offer advocates both on-the-job training through courtroom experience² and the most up-to-date research tools. To accomplish the latter, the Corps has created online military justice resources. These resources are laid forth in this article with a nod to a few additional online sources which provide invaluable information to practitioners. In executing their daily duties, military justice practitioners are expected to perform a myriad of duties that extend beyond courtroom preparation. They often find themselves executing the administrative role of advising commanders in addition to staying current on case law and excelling in courtroom advocacy.³ These demands greatly reduce the time a practitioner can spend focusing solely on discovering resources that will assist her in various tasks.

The obligation for ensuring the JAGC provides counsel with the appropriate resources ultimately lies with The Judge Advocate General (TJAG) whose responsibility "for the overall supervision and administration of military justice within the Army,"⁴ also includes the "technical supervision of training in military justice."⁵ Thus, TJAG's JAGC

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¹ Major General Scott C. Black, *Changes in Military Justice*, TJAG SENDS, Apr. 2008.

² See generally Major Derrick W. Grace, *Sharpening the Quill and Sword: Maximizing Experience in Military Justice*, ARMY LAW., Dec. 2010, at 24.

³ JAGCNET, <https://www.jagcnet.army.mil/Sites/jaro.nsf/homeContent.xsp?open&documentId=F7CF74D9F92616FE85257B2D004EF3F6>. (last visited Jan. 28, 2015). The site provides a job description of a first-term captain.

⁴ U.S. DEP'T OF ARMY, REG. 27-10, MILITARY JUSTICE para. 1-4(a) (3 Oct. 2011) [hereinafter AR 27-10].

⁵ *Id.* para. 18-2(a). The Judge Advocate General's (TJAG) technical supervision includes the requirement to:

[p]rovide IT-related combat and materiel development plans and data . . . to Army organizations" as well as "[o]versee legal technology support provided by the Army [Chief Information Officer] (CIO), Army Cyber Command/Second U.S. Army, and [Network Enterprise Technology Command] (NETCOM) for rapid, responsive, and continuous provision of military justice . . . support to

Strategic Plan of 2010, called for the Corps to "[u]se Information Technology and Knowledge Management to enhance the efficiency and effectiveness of our business practices."⁶ In fulfilling that mandate, The Assistant Judge Advocate General (TAJAG), in his role as the Chief Information Officer (CIO), approved the 2011 Knowledge Management Strategic Plan (KM STRATPLAN) which provided the framework for "an integrated approach to identifying, retrieving, evaluating, and sharing an enterprise's tacit and explicit knowledge assets to meet mission objectives and simplify the complexity of work."⁷ Currently, the online mechanisms for sharing the JAGC's military justice knowledge, spread across five search platforms,⁸ occur in the subordinate organizations of three separate general officer entities: Office of The Judge Advocate General (OTJAG) Criminal Law Division located in the Pentagon, The Judge Advocate General's Legal Center and School (TJAGLCS) Criminal Law Department located in Charlottesville, Virginia, and U.S. Army Legal Services Agency (USALSA) located at Fort Belvoir, Virginia. This article discusses the capabilities of these platforms by addressing the military justice mission and the resources produced by each entity, orienting the reader to where the platform resides on the internet, and commenting on the site's navigability and user experience. This article will also point out some additional resources that are valuable to judge advocates in the field. The article concludes with ways in which both new counsel and experienced supervisors can capitalize on the online resources in order to improve their practice. The first entity to be discussed is the OTJAG.

II. Office of The Judge Advocate General Criminal Law Division's Online Resources

The responsibility of supervising the OTJAG Criminal

the Warfighter, commander, and staff across the full spectrum of military engagement.

U.S. DEP'T OF ARMY, REG. 25-1, ARMY INFORMATION TECHNOLOGY para. 2-15 (23 June 2013) [hereinafter AR 25-1].

⁶ Lieutenant General Dana K. Chipman, *One Team: The Judge Advocate General's Corps Vision, Mission, and Priorities*, TJAG SENDS, Mar. 2010 [hereinafter STRATPLAN 2010].

⁷ OFFICE OF THE JUDGE ADVOCATE GEN., KNOWLEDGE MANAGEMENT STRATEGIC PLAN 1 (Oct. 2011) [hereinafter KM STRATPLAN].

⁸ The five platforms are: The Judge Advocate General's Corps Network (JAGCNet), JAG University (JAGU), milSuite, Library of Congress (LoC), and an Article 31(b)log.

Law Division (CLD) has been delegated to The Assistant Judge Advocate General for Military Law and Operations (AJAG/MLO).⁹ Located in the Pentagon, the CLD is just down the hall from TJAG and AJAG/MLO. The CLD Chief, supported by a Deputy, assists AJAG/MLO in responding to data calls and congressional inquiries and oversees the five separate divisions: (1) Policy, (2) Operations, (3) Plans and Training, (4) Programs, and (5) Criminal Law/Knowledge Management (CL/KM).¹⁰ According to The Report of the Judge Advocate General of the Army, “OTJAG, Criminal Law Division (CLD) has two primary missions. First, the CLD advises TJAG on military justice policy, legislation, opinions, and related criminal law actions.”¹¹ In carrying out its second mission, the CLD “provides comprehensive policy guidance and resources to military justice practitioners in the field.”¹² Further the CLD “facilitates the active integration and synchronization of training by coordinating quarterly training and budget meetings with the Corps’ key training arms: Trial and Defense Counsel Assistance Programs (TCAP and DCAP) and The Judge Advocate General’s Legal Center and School (TJAGLCS).”¹³ The CLD also “manages software initiatives for JAGC-wide application and facilitates active information flow to and from the field using web-based media.”¹⁴

The CLD’s web-based media currently includes the Military Justice Online (MJO) application.¹⁵ Links to these resources can be found on the Judge Advocate General’s Corps Network (JAGCNet).¹⁶

Created, maintained, and updated by the Information Technology Division (ITD) in conjunction with the CLD’s

Operations section, MJO¹⁷ is the JAGC’s premier tool for creating, storing, and tracking military justice related documents. Although most counsel are familiar with MJO because of its required use,¹⁸ many are unaware of the valuable progress that MJO has made.

Because of ITD’s efforts, MJO’s capabilities and functionality have improved since its early days. The system now has the ability to create customizable reports with just a few clicks¹⁹ of the mouse and to link to Human Resources Command’s (HRC) database.²⁰ This ability to link allows counsel to simply type in a Soldier’s social security number and have the additional personnel information populated to the document.

A. Site Navigation

To maintain security over the sensitive information stored in the site, MJO access is restricted to users who create actions for the unit and administrators at the higher levels. Counsel should contact their local legal administrator in order to be added to the site. After access has been granted, counsel can navigate to MJO by logging into JAGCNet, clicking “Applications” and choosing “MJ Online (AC)” for active component.²¹ Counsel will then be redirected to the MJO database. Upon log-in, users should see their unit. From this page, users can click on “Create a new action” to start an investigation, draft a reprimand, create an Article 15, begin the paperwork for either an enlisted or an officer administrative separation, or initiate a court-martial action. In addition to document creation, MJO also has checklists²² to assist counsel as they create documents.

⁹ U.S. DEP’T OF ARMY REG. 27-1, MILITARY JUSTICE para. 2-4(a)(1) (30 Sept. 1996) (RAR 13 Sept. 2011) [hereinafter AR 27-1].

¹⁰ E-mail from Captain John H. Mark, Criminal Law/Knowledge Mgmt. Attorney, Office of the Judge Advocate Gen. Criminal Law Div., to author (Feb. 18, 2014, 15:06 EST) (on file with author).

¹¹ LIEUTENANT GENERAL FLORA D. DARPINO, REPORT OF THE JUDGE ADVOCATE GENERAL OF THE ARMY OCTOBER 1, 2012, TO SEPTEMBER 30, 2013, ANNUAL REPORT (n.d.).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ E-mail from Captain John H. Mark, Criminal Law/Knowledge Mgmt. Attorney, Office of the Judge Advocate Gen. Criminal Law Div., to author (Jan. 10, 2015, 07:41 EST) (on file with author). Until Aug. 1, 2014, the Community of Practice (JAGConnect–Criminal Law), also belonged to CLD. However, on that day, responsibility was transferred to TJAGLCS Criminal Law Academic Dept. *Id.*

¹⁶ JAGCNET, <https://www.jagcnet2.army.mil> (last visited Jan. 28, 2015). The network “is the primary knowledge management tool for the JAGC.” Policy Memorandum, Office of the Judge Advocate Gen. Information Technology Div., U.S. Army, subject: Access to The U.S. Army Judge Advocate General’s Corps Network (JAGCNet) (18 Dec. 2009) [hereinafter JAGCNet Access Memo].

¹⁷ See *infra* Appendix for a screenshot of MJO.

¹⁸ Memorandum from Major General Clyde J. Tate, II, to All Staff Judge Advocates, subject: Use of Military Justice On-line as an Enterprise Application (17 July 2013) [hereinafter MJO Memo].

¹⁹ The customizable status report for both Special Courts-Martial (SPCM) and General Courts-Martial (GCM) currently offers twenty-four criteria. A screenshot of the choices available to customize a Special Courts-Martial status report is located in the Appendix. The same choices are available for customizing a GCM status report.

²⁰ E-mail from Chief Warrant Officer Three James A. Carroll, Senior Project Officer, Information Technology Div., U.S. Army Legal Services Agency, to author (Mar. 13, 2014, 14:39 EST) [hereinafter Carroll e-mail] (on file with author).

²¹ A link to the MJ Online Reserve Component (RC) site can be found on the same page directly below the active component link.

²² A screenshot of the MJO checklist can be found in the Appendix. After opening a Courts-Martial action in MJO, counsel can find the checklists by clicking on the “Attachments” folder. To mark the box after a task is completed, counsel will need to click the “Edit” button in the top right-hand corner of the screen and then click “Save.”

B. User Experience and Tips

To operate the MJO system with knowledge and efficiency, users must invest time in learning the features of the system. The programmers of MJO can complete an Article 15 in fifteen minutes merely because they know how to use the system.²³ To aid in the learning process, the creators of MJO posted nineteen detailed MJO user training videos in the MJO in the Manuals/Training/Policies tab.²⁴ If users encounter issues while using MJO, they should provide suggestions for improvement under the “Feedback” tab.²⁵

III. U.S. Army Services Agency’s Online Resources

In addition to the general military justice resources provided through OTJAG Criminal Law, the JAGC also provides resources specifically geared towards assisting both trial and defense counsel with trial preparation through organizations located at the second one-star entity: United States Legal Services Agency (USALSA). Trial counsel have access to TCAP online presence, and defense can access resources through DCAP online presence. Additionally, both trial and defense counsel can benefit from the online resources offered by the Trial Judiciary.

A. Trial Counsel Assistance Program (TCAP)

Because it is a subsection of the Government Appellate Division (GAD), the “[o]perational control and supervision of TCAP is exercised by the Chief, GAD, for the AJAG/MLO. Command functions other than operational control are provided by the Commander, USALSA. The office is composed of a chief and training and litigation officers, as necessary.”²⁶ Part of TCAP’s regulatory mission is to “provide assistance, resources, and support for the prosecution function throughout the Army and to serve as a source of resolution of problems encountered by trial counsel. The TCAP provides publications and references for chiefs of military justice and trial counsel and conducts periodic advocacy training.”²⁷

One way TCAP carries out its mission is by posting documents and motions in the OTJAG Criminal Law

DocLib and maintaining a TCAP milBook²⁸ page. The TCAP’s milBook page functions in the same manner as JAGConnect–Criminal Law where counsel can discuss issues and share ideas in real time. However, it differs in that membership is limited to trial counsel and individuals who are assisting trial counsel. The forum can be accessed from JAGConnect–Criminal Law.²⁹ Access is granted by TCAP. To maintain equal assistance to trial and defense counsel alike, Trial Defense Service (TDS) also has online resources.

B. U.S. Army Trial Defense Service (USATDS)

By regulation, TJAG is required to “administer an independent, Army-wide Trial Defense Service to provide representation for soldiers tried by courts-martial. The Chief, USATDS, assists TJAG in managing the TDS mission.”³⁰ In furtherance of this mission, “the Chief, USATDS, in coordination with DCAP, develops programs and policies designed to enhance the professional qualifications of defense counsel and USATDS paralegal personnel.”³¹ Thus, DCAP has developed an online presence to provide defense-counsel specific resources by creating a discussion forum in milBook³² and maintaining a TDS Document Library in JAGCNet.³³ Defense counsel can request access to both pages through USATDS. In addition to the counsel-specific resources, USALSA also houses the Trial Judiciary website, in which both trial and defense counsel alike will find useful information to assist in courtroom preparation.

C. Trial Judiciary

The Army Trial Judiciary does not limit itself to presiding at trial. It also “ensure[s] the quality of the Army

²³ Carroll e-mail, *supra* note 20.

²⁴ MJO, <https://www.jagcnet2.army.mil/Portals/jagc.nsf/homeDisplay.xsp?tag=MJO+User+Training> (last visited Feb. 28, 2015).

²⁵ To report a problem with the application, suggest an improvement, or provide encouragement, click on the “Feedback” button at the top right hand side of the page. The progress of the question can then be tracked by clicking on the “Tech Support Forum.”

²⁶ AR 27-10, *supra* note 4, para. 21-3.

²⁷ *Id.* para. 21-2.

²⁸ milSuite “is a collection of online tools and applications originally produced within the [Program Executive Office for Command, Control and Communications-Tactical (PEO C3T)] MilTech Solutions office for the purpose of bringing online collaborative methods and secure communities to the entire Department of Defense.” milBook is a subpart of the website. MILSUITE, <https://login.milsuite.mil/?goto=https%3A%2F%2Fwww.milsuite.mil%3A443%2Fbook%2F>.

²⁹ MILBOOK, <https://www.milsuite.mil/book/groups/jagconnect-army-criminal-law> (last visited Feb. 24, 2015).

³⁰ AR 27-1, *supra* note 9, para. 2-1(d)(11). Additionally, “oversight of this responsibility has been delegated to The Assistant Judge Advocate General for Civil Law and Litigation (AJAG/CLL) who, “[t]hrough the Chief, Trial Defense Service, exercise operational control and supervision of U.S. Army Trial Defense.” *Id.* para. 2-3(c).

³¹ AR 27-10, *supra* note 4, para. 6-6.

³² MILSUITE, <https://www.milsuite.mil/book/groups/jagconnect-army-criminal-law> (last visited Jan. 31, 2015).

³³ JAGCNET, <https://www.jagcnet2.army.mil/Portals/jagc.nsf?opendatabase&login#> (last visited Jan. 31, 2015).

judiciary and the fairness of the military justice system”³⁴ by “[a]dministering an advocacy-training program for trial and defense counsel called ‘Bridging the Gap.’ This program includes an initial, gateway session for new counsel and post-trial critiques after each trial to improve the advocacy of counsel.”³⁵ The Trial Judiciary does this by not only talking to counsel face-to-face but also posting useful documents on its JAGCNet page.³⁶

1. Site Navigation

Counsel can navigate to the Trial Judiciary site by logging into JAGCNet. From the main JAGCNet page, counsel will click on “USALSA” and then click on “Trial Judiciary” under the second “Divisions” column.³⁷ Counsel will be redirected to the Army Trial Judiciary page. From the main page, counsel can click to view the e-docket,³⁸ download an electronic version of the benchbook, browse the resources that judges have determined are important, and review the “Bridging the Gap” materials.

2. User Experience and Tips

The site is easy to navigate and contains useful trial preparation materials. The Gateway materials, word documents created by Chief Judge Colonel Michael J. Hargis, are divided into several categories: The Basics, Prior Inconsistent Statement and Refreshing Recollection, Demonstrative Evidence, Voir Dire, and Sentencing. Though it is important for counsel to delve into these issues, valuable online resources can still be found by the entity who first trained them in the ways of Criminal Law: TJAGLCS.

IV. The Judge Advocate General’s Legal Center and School’s Online Resources

According to Army Regulation, “[t]he Commander and Commandant of TJAGLCS is responsible for military justice courses in the curriculum of TJAGLCS. The Commander and Commandant (Commandant), TJAGLCS—one

³⁴ JAGCNET, <https://www.jagcnet2.army.mil/USATJ> (last visited Feb. 28 2015).

³⁵ *Id.*

³⁶ *Id.*

³⁷ A screenshot of the Trial Judiciary site is located in the Appendix.

³⁸ The e-docket was created in response to the need for docket centralization and access by judges who travel across jurisdictions to set courts-martial dates and to de-conflict schedules. The e-docket can be searched by judge, installation, or a group of installations. Judge Hargis encourages counsel to check this schedule as they are filling out their request for trial dates. Interview with Colonel Michael J. Hargis, C.J., U.S. Army, in Charlottesville, Va. (Mar. 6, 2014).

person—is also responsible for developing military justice training materials for the Army service school system.”³⁹ The Commandant carries out this task through the two separate entities of (1) the Legal Center and (2) the School. The Legal Center, through its Training Development Directorate (TDD),⁴⁰ provides online tools by developing JAGU and partnering with the Naval Justice School. The School provides online military justice resources through the Criminal Law Department and TJAGLCS Library.⁴¹

A. JAG University (JAGU)

Part of TDD’s vision is to “Leverage Technology, Transition JAGC Training and Education into the Information Age [through] Learning Management System Architecture and Centralized Courseware System[s].”⁴² As the “Online Learning Home of the Judge Advocate General’s Corps,”⁴³ JAG University fulfills this vision. Launched in 2007 as a result of a growing need to bring correspondence courses into the age of technology,⁴⁴ JAGU is the site where counsel can hone their military justice skills by watching TJAGLCS lectures, viewing interactive demonstrations conducted in an in-court environment, and testing their knowledge through online training modules.

³⁹ AR 27-10, *supra* note 4, para. 18-2(d).

⁴⁰ According to its mission statement,

TDD is the Army proponent for JAG Corps training development. TDD analyzes training needs, designs training strategies, leverages training and education technologies, and develops training products and materials for resident, non-resident, and distributed learning programs. TDD manages the online Judge Advocate’s General’s University and . . . provides technical assistance and products for legal training programs for the JAG Corps worldwide.

JAGCNET, <https://www.jagcnet2.army.mil/TDD> (last visited Jan. 28, 2015).

⁴¹ Prior to 2003, the JAG Corps housed its documents behind the firewall in JAGCNet. However, due to deployed counsel and other personnel who could not get access to the documents, a need arose for documents to be placed in front of the firewall. The Judge Advocate General’s Legal Center and School (TJAGLCS) library, in conjunction with the Center for Legal and Military Operations (CLAMO) began submitting documents for posting in The Library of Congress (LoC) website. Interview with Daniel C. Lavering, The Judge Advocate Gen.’s Legal Ctr. & Sch. Law Librarian, U.S. Army, in Charlottesville, Va. (Feb. 27, 2014). The historical documents and links to congressional history are useful for drafting motions and studying specific statutory questions. A screenshot of the page is located in the Appendix.

⁴² JAGCNET, https://www.jagcnet2.army.mil/8525755_A004BF591/0/C62_BB0479E544A6885257551006B207F?opendocument&noly=1 (last visited Feb. 22, 2014).

⁴³ JAGU, <https://jagu.army.mil/> (last visited Feb. 12, 2015).

⁴⁴ Interview with Jeffrey P. Sexton, Deputy/Online Program Adm’r., Distributed Learning Dep’t, Training Dev. Dir., The Judge Advocate Gen.’s Legal Ctr. & Sch., U.S. Army, in Charlottesville, Va. (Nov. 19, 2013) [hereinafter Sexton Interview].

Counsel can navigate to JAGU by either accessing its primary URL⁴⁵ or through the link on JAGCNet.⁴⁶ Upon logging into JAGU, counsel will see a scrolling banner in the middle of the page with various resources and tabs located at the top of the page.⁴⁷ Counsel can find military justice resources under two headings: LPDP and Streaming Media.

1. TJAG's Leader Professional Development Program

The TJAG's Leader Professional Development Program (LPDP), is "designed to assist Staff Judge Advocates (SJAs) in the conduct of their Leader Development Program."⁴⁸ Under the "Military Justice" tab, the site has three training videos: Pretrial Practice, Professional Responsibility in Military Justice, and Post-Trial processing. Each session is taught by TJAGLCS Criminal Law faculty. Though only three videos exist under this heading, the faculty has many more under Streaming Media.

2. Streaming Media

Streaming Media is a valuable video library resource. From online military justice TJAGLCS lectures to demonstrations of how to conduct effective cross-examination, the site contains over fifty videos that beginners and experienced litigators can watch in order to improve their military justice skills both in and out of the courtroom.

Counsel can navigate to Streaming Media by first accessing the JAGU home page. Counsel should then hover over "JAGU Resources" and click on "Streaming Media." A webpage entitled "JAGU Video Library" will open. Expanding the folders requires counsel to click on the plus sign versus the name of the folder. Thus after navigating to the left side of the screen, counsel will need to expand the JAGU Video Library folder by clicking on the plus sign expand "Criminal Law Presentations." Counsel will see then see six folders to browse.⁴⁹

⁴⁵ JAGU, <https://jagu.army.mil/> (last visited Feb. 12, 2015). Accessing the website from the primary Uniform Resource Locator (URL) is preferable because the servers for each site are located in different geographical areas. Thus, if JAGCNet's servers are down, the link to JAGU on JAGCNet will not work and counsel will think that the JAGU site is down. However, accessing JAGU through its primary URL ensures that a downed server on a non-primary site does not affect the ability to access the primary site. Sexton Interview, *supra* note 44.

⁴⁶ JAGCNet, <https://www.jagcnet.army.mil/> (last visited Feb. 12, 2015).

⁴⁷ A screenshot of JAGU is located in the Appendix.

⁴⁸ JAGU, <https://jagu.army.mil/webapps/portal/frameset.jsp> (last visited Feb. 12, 2015).

⁴⁹ The six folders are Crimes and Defenses, Demonstrations, Hodson Lectures, Procedure, Professional Responsibility, and Trial and Evidence.

The search function on Streaming Media is a convenient tool to locate videos that may address a specific topic area or issue. At the search function box at the top right of the Streaming Media page, counsel can type in a key word, such as "evidence," and locate all videos containing the key word in the video's title or description. In addition to the search function, counsel can search for videos by browsing each individual folder.⁵⁰ Once counsel has either learned a concept for the first time or refreshed her memory, she can test their newly gained knowledge by taking online training modules created by the Naval Justice School.

B. Naval Justice School Online Legal Education (NJS Online)

Instructors at the Naval Justice School (NJS) in Newport, Rhode Island, in partnership with the TJAGLCS Distributed Learning Department, have created additional online training and classes that are available to Army Judge Advocates.⁵¹ These courses, located on the NJS Online Legal Education Website (NJS Online)⁵² are "built with the student and their schedule in mind,"⁵³ and are offered in two primary formats: LAWgos⁵⁴ and multi-week sessions. LAWgos, designed to be the "building blocks of legal education,"⁵⁵ allow counsel to train in a self-paced manner. Conversely, the multi-week courses offer counsel direct interaction with both fellow counsel who are taking the course and the NJS instructors teaching the course "via email, announcements, questions, and required discussion boards."⁵⁶

⁵⁰ E-mail from Jeffrey P. Sexton, Deputy/Online Program Adm'r, Distributed Learning Dep't, Training Dev. Dir., The Judge Advocate Gen's Legal Ctr. & Sch., U.S. Army, to editor (Dec. 11, 2014, 16:40 EST) (on file with editor). Mr. Sexton further explains that the search capacity may be greater with future Streaming Media updates, "It will not only search presentation titles and descriptions, but any text on some of the presentation slides as well." *Id.*

⁵¹ NJS, https://jagu.army.mil/webapps/portal/frameset.jsp?tab_tab_group_id=_20_1 (last visited Feb. 12, 2015).

⁵² *Id.*

⁵³ E-mail from Lieutenant Commander Sean M. Sullivan, Program Manager, Online Legal Educ., Naval Justice Sch., Judge Advocate Gen.'s Corps, U.S. Navy, to author (Mar. 11, 2014, 09:35 EST) [hereinafter Sullivan e-mail] (on file with author).

⁵⁴ LAWgos "consist[] of a mix of reference materials, audio and visual presentations, and short assessments to reinforce understanding. They are designed to provide a variety of timely legal education in a digestible format that fits into the learner's schedule." NJS, https://jagu.army.mil/webapps/portal/frameset.jsp?tab_tab_group_id=_20_1 (last visited Feb. 12, 2015).

⁵⁵ *Id.*

⁵⁶ Sullivan e-mail, *supra* note 53.

1. Site Navigation

To navigate to NJS Online, counsel should first log into JAGU and click on “NJS Online.”⁵⁷ On the main NJS page, counsel will see the following five tabs: Courses, LAWgo, Quick References, External Links, and Help. In the middle of the page, counsel will find links to Current Course Offerings, Upcoming Courses, and the Fiscal Year 2014 Course Schedule. On the right-hand side of the page, counsel can also see a listing of the new LAWgos. Nineteen military justice LAWgos are currently offered and counsel can search for them by hovering over the word “LAWgo” on the main page and choose Military Justice. Counsel can then browse through the Military Justice specific LAWgos, read the course description, and choose a class in which to enroll.

2. User Experience and Tips

The NJS faculty have done a great job providing counsel with training modules that are easy-to-use and intuitive. The module starts with an initial assessment so that counsel can see where their weaknesses lie. After completing the module, counsel should have a firm grasp of the subject matter presented. Counsel should note that, when searching for LAWgos versus the military justice multi-week self-enroll courses, LAWgos are listed in a separate category than Military Justice LAWgos. In addition to completing the training modules in NJS, counsel can also improve their military justice skills by taking advantage of the online resources offered by the TJAGLCS Criminal Law Department.

C. TJAGLCS Criminal Law Department

The TJAGLCS Criminal Law Department (ADC) is responsible for keeping the field updated on recent military justice development, as well as teaching military justice to both Basic and Graduate Course students,⁵⁸ and short courses. These responsibilities are echoed in its department description.⁵⁹ The Criminal Law Department accomplishes its missions through the efforts of a Department Chair (O-5), a Vice Chair (O-5), eight field grade Associate Professors, a civilian Department Coordinator,⁶⁰ and three field grade Adjunct Professors.⁶¹ Leveraging online resources to assist

⁵⁷ A screenshot of NJS Online is located in the Appendix.

⁵⁸ AR 27-10, *supra* note 4, para. 18-5.

⁵⁹ JAGCNET, <https://www.jagcnet.army.mil/sites/tjaglcs.nsf/homeContent.xsp?open&documentId=B571C747E3ECC6F985257AAD0067597A> (last visited Feb. 12, 2015).

⁶⁰ JAGCNET, <https://www.jagcnet2.army.mil/852577C10047F4D7/0/2F2558A6CDBC3BD2852578B9006ED5D3?opendocument> (last visited Jan. 31, 2015).

⁶¹ JAGCNET, <https://www.jagcnet.army.mil/852577C10047F4D7/0/4731125148A3D066852577AE00623205?opendocument&noly=1>, (last visited

their regulatory mission, ADC maintains the Criminal Law Department website on JAGCNet, the JAGConnect–Criminal Law site and populates the Criminal Law Document Library.

1. Criminal Law Department Website in JAGCNet

The Department webpage in JAGCNet⁶² is maintained by the civilian Department Coordinator in coordination with professors who populate the site’s substantive information. The page is available to the public.

To locate the ADC’s page, users should navigate to JAGCNet select “The Judge Advocate General’s Legal Center and School,” click on “School” and, under the “Departments” click on “Criminal Law.”⁶³ The page offers links to information about the professors, descriptions of the School’s military justice courses, and publications from various entities including ADC, OTJAG Criminal Law, and Army Trial Judiciary. Under “Resources,” ADC offers links to the Deskbook, videos, charts and guides, checklists and worksheets, advocacy articles, sexual assault materials, training opportunities, and a link to the MJO (academic) site. Additionally, under “Useful Links” users can navigate to JAGConnect–Criminal Law, MJO, Army Court of Criminal Appeals (ACCA), OTJAG Criminal Law Division, and Court of Appeals for the Armed Forces (CAAF). By clicking on “More,” users will be redirected to a site containing thirteen links, including each of the sister services court’s websites.⁶⁴

The site is most useful for counsel seeking to increase their military justice capabilities by attending a short course at the School. The combined knowledge of the course description and when the course is offered will empower counsel to ask their SJA for the appropriate training.

2. JAGConnect–Criminal Law

JAGConnect–Criminal Law is a military-justice-specific discussion forum housed on milSuite and designed to capture and distribute criminal law knowledge across the entire Department of Defense (DoD).⁶⁵ [M]ilSuite was “chosen as the Corps’ collaboration and knowledge-sharing package” after taking into account “the JAG-wide survey,

Feb. 12, 2015).

⁶² JAGCNET, <https://www.jagcnet.army.mil/852577C10047F4D7> (last visited Feb. 12, 2015).

⁶³ A Criminal Law Department screenshot is located in the Appendix.

⁶⁴ JAGCNET, <https://www.jagcnet.army.mil/sites/tjaglcs.nsf/homeContent.xsp?open&documentId=66FD84C42F9EADC985257AAD006EC709>, (last visited Feb. 24, 2015).

⁶⁵ milSuite Purpose, *supra* note 28.

the results from the World-Wide CLE working groups, the current social-media trends, and the DoD's focus on common collaboration tools."⁶⁶ JAGConnect–Criminal Law allows practitioners to share and receive knowledge about lessons learned from the field, current topics, and best practices with Judge Advocates from each branch of service.⁶⁷

a. Site Navigation

Counsel have two ways to navigate to milSuite. The first way is to type milSuite's primary uniform resource locator (URL)⁶⁸ into their browser; the second is to navigate to JAGCNet's URL and click on the milBook icon at the top of the page.⁶⁹ Once there, counsel will need to create a milSuite account by logging in with a common access card (CAC).⁷⁰ After creating a milSuite account, counsel need to locate the JAGConnect–Criminal Law page within the milSuite platform. This can be accomplished by clicking on the icon "Join a Group" and typing the words "JAGConnect–Criminal Law" into the search box located in the top right hand corner. Counsel should choose JAGConnect–Criminal Law from the search results. The browser will open up the JAGConnect–Criminal Law page and counsel should click on the button "Request to Join the Group."⁷¹

Counsel will receive an e-mail, containing a direct link to JAGConnect–Criminal Law, confirming that they have been added to the site. After clicking on this link, counsel should be directed to the JAGConnect–Criminal Law "Overview" page.⁷² On this page, counsel can catch a glimpse of the military justice topics currently being encountered in the field by reviewing the questions and answers posted under "Recent Content." Counsel can also either post or respond to a question by choosing the appropriate function under "Post to this Site." Counsel can also conduct a preliminary search of the site by typing a term in the "Search Our

Content" box located on the middle-right side of the page.

From the "Overview" page, counsel can navigate the content of the entire site by clicking on one of the five tabs (Content, People, Projects, Reports, or Calendar) located to the right of the "Overview" tab. Clicking on the "Content" tab will redirect counsel to a page where all of the blogs, documents, and discussions can be searched through various filters such as text, tags, latest activity, title, or date. Counsel can query the system to search the discussions, documents, and blog posts to see if the topic about which they are searching has already been discussed.⁷³

b. User Experience and Tips

Each time they wish access JAGConnect–Criminal Law, users will need to go through the cumbersome site navigation process listed above at each log-in. To remedy this problem, users can create a link that will give them quick access at next log-in. This can be accomplished by copying the JAGConnect–Criminal Law URL and saving it under the "Quick BookMarks" in the toolbar.⁷⁴

Counsel should also be cognizant that the two search boxes on the page actually search two different areas of milSuite. The search box in the top right hand corner searches the entire milSuite platform. The search box under "Search Our Content" searches the JAGConnect–Criminal Law page.

Additionally, the document storage rule for the site is not intuitive. For instance, if counsel reference a document in their JAGConnect–Criminal Law discussion, they may be inclined to upload the document to milSuite. Despite the fact that milSuite has a mechanism for uploading documents, it is not the preferred site for document storage. Another forum, the Criminal Law Document Library, is the official document repository.⁷⁵ Thus, counsel are expected to discuss issues in JAGConnect–Criminal Law and upload documents in the Criminal Law Document Library.

3. Criminal Law Document Library

The Criminal Law Document Library (DocLib), created through the collaboration of the CL/KM attorney and the JAGC's Information Technology Division (ITD),⁷⁶

⁶⁶ MILSUITE, <https://www.milsuite.mil/book/docs/DOC-25187> (last visited Jan. 28, 2015).

⁶⁷ MILSUITE, <https://www.milsuite.mil/book/groups/jagconnect-army-criminal-law> (last visited Jan. 28, 2015).

⁶⁸ MILSUITE, <https://login.milsuite.mil> (last visited Jan. 28, 2015).

⁶⁹ JAGCNET, <https://www.jagcnet.army.mil/> (last visited Jan. 28, 2015). The milBook icon is circled on the JAGCNet screenshot in the Appendix.

⁷⁰ A screenshot of the milSuite log-in page is located in the Appendix.

⁷¹ JAGConnect–Criminal Law is a private community with access restricted to the military legal community.

⁷² Currently, ten sections are displayed: Categories, JAG Corps on milBook, OTJAG Crim Law Monthly Newsletter, DocLibs on JAGCNet, Featured Content, Upcoming Events, Recent Content, Search Our Content, Post to this Site, Create a Military Justice Action, Resources and Links. A screenshot of the JAGConnect–Criminal Law overview page screenshot is located in the Appendix.

⁷³ MILSUITE, <https://www.milsuite.mil/book/groups/jagconnect-army-criminal-law> (last visited Feb. 12, 2015).

⁷⁴ A screenshot of the "Quick BookMarks" function on JAGConnect–Criminal Law is located in the Appendix .

⁷⁵ JAGCNET, <https://www.jagcnet2.army.mil/Sites/crimlaw.nsf/homeLibrary.xsp> (last visited Jan. 28, 2015) [hereinafter JAGCNet].

⁷⁶ The Information Technology Division's (ITD) mission is to "[p]rovide secure, useful, user-friendly, and cost effective information technology and knowledge management enterprise solutions for the JAGC and its clients at

“provides a single space in the secure JAGCNet cloud for the academic and policy documents of the JAG Corps’ proponent offices, as well as valuable resources contributed by legal professionals in the field. Community members can store content [in the DocLib] and link to it in their [JAGConnect–Criminal Law] postings.”⁷⁷ Thus, the DocLib also functions as the document repository for the discussions occurring on JAGConnect–Criminal Law. The DocLib was developed in response to a 2011 Knowledge Management Division (KMD) survey in which over “900 military and civilian members of the JAGC from the active and reserve components provided hundreds of helpful comments”⁷⁸ which identified that a document library was needed.

a. Site Navigation

The DocLib, currently maintained by the Criminal Law Department of TJAGLCS has both a public and a private page. While the public page houses documents that can be seen by the general public prior to log-in, the private page houses documents that reside behind JAGNet’s firewall which can be accessed only after log-in.⁷⁹ To view the public page, counsel should navigate to JAGCNet,⁸⁰ click on “Public Doc Libraries,” and choose “Criminal Law” under the Legal Disciplines heading. To gain access to the private page, users must first create a JAGCNet account.⁸¹ Once counsel have created an account and logged into JAGCNet, they can navigate to the DocLib by clicking on “Legal Disciplines,” choosing and then clicking on “Criminal Law Doc Library” under the “Military Justice” heading.

The DocLib currently contains military justice documents sorted into fourteen categories.⁸² Content on the site can be

all levels of command across the full spectrum of legal operations and JAGC disciplines enabling the JAGC to effectively deliver legal services.” JAGCNET, <https://www.jagcnet2.army.mil/8525741200560C10/0/B4B2D16FE965C6BD85257957004A01E8?opendocument> (last visited Jan. 28, 2015).

⁷⁷ See JAGCNet Access Memo *supra* note 16.

⁷⁸ U.S. Army Judge Advocate General’s Corps Knowledge Management Survey, 5 October–4 November 2011: Results of Survey (n.d.), <https://www.milsuite.mil/book/docs/DOC-25477>. The survey also identified the following as the top four needs of practitioners: improvement in JAGCNet navigation, creation of an enterprise search engine, the formation communities of practice that avoid reinvention of the wheel, and effective training of the currently existing databases and applications. *Id.*

⁷⁹ JAGCNET, <https://www.jagcnet.army.mil/Sites/jagc.nsf/home.xsp> (last visited Jan. 28 2015).

⁸⁰ *Id.*

⁸¹ See JAGCNet Access Memo, *supra* note 15. This memo details instructions on how to create a JAGCNet account. Only Army Judge Advocates General are entitled to a JAGCNet account. All others must go through the process of sponsorship. *Id.*

⁸² A screenshot of the OTJAG Criminal Law Document Library (DocLib) is located in the Appendix .

sorted by category, by the date the document was added to the site, or by the source who uploaded documents to the site.⁸³ This source designation is important because it assures the user that the document being retrieved was uploaded into the library by a reputable source. A user in the field can only choose “Field Contribution” while the proponent of the document can choose the correct identifier.

In addition to retrieving documents, counsel also have the ability to upload documents. This can be accomplished by choosing the “Upload New Document” button in the top left-hand corner. Since uploading a document can be a tricky task, users should read the uploading instructions.⁸⁴

b. User Experience and Tips

One positive aspect of the Crim Law DocLib is that if used correctly, it could supplement and possibly replace the individual share drives found at each installation. Since it can hold a large amount of data, this site is a great place to store Standard Operating Procedures, Investigation Officer Guides and other large documents that are difficult to transport from assignment to assignment. Users are encouraged to assist in its improvement by populating the DocLib with documents and giving constructive feedback for improvements to OTJAG Criminal Law.

However, using the DocLib as document storage for discussions that occur in milBook does present a few difficulties. The process tends to be time-consuming because counsel must have both sites open at the same time and know the differing tagging procedures for each site.⁸⁵

Furthermore, while milSuite is accessible to all of DoD, portions of the DocLib are accessible only to JAGCNet account holders.⁸⁶ One of the reasons that milSuite was chosen was so that Army JAG information could be shared DoD-wide.⁸⁷ If the documents are behind a firewall and inaccessible unless counsel have JAGCNet capabilities, then the DocLib hinders the information-sharing purpose from being fulfilled.

⁸³ To sort the documents by source, counsel should click on the arrow next to “All Sources” and choose one of the seven sources: Defense Appellate Defense, TCAP, Field Contribution, Special Attorney U.S. Attorney, OTJAG-CrimLaw, LCS-CrimLaw, or Government Appellate Division.

⁸⁴ JAGCNET, <https://www.jagcnet2.army.mil/Sites/administrativelaw.nsf/document.xsp?&documentId=E08A4E8B9B73C2CE85257B3400443E0F&action=openDocument> (last visited Feb. 12, 2015).

⁸⁵ In the DocLib, tags encompassing each new group of terms should be separated with a comma. Conversely, in JAGConnect–Criminal Law, spaces are used to separate tags.

⁸⁶ See JAGCNet Access Memo, *supra* note 16.

⁸⁷ See milSuite Purpose, *supra* note 28.

V. Library of Congress

Though not created or maintained by the JAG Corps, the Library of Congress (LoC) provides another avenue of access to military justice materials. Documents related to the Corps began being posted on LoC in 2003.⁸⁸ As the webpage states:

[t]he U.S. Army Judge Advocate General's Legal Center & School Library in Charlottesville, VA, holds extensive collections of primary source materials and publications in the field of military law. Selections from these collections are now being made accessible in full text PDF versions via the Library of Congress Federal Research Division (FRD) Web site. As more materials are converted to digital formats, they will be added to this page.⁸⁹

The site does not require a log in. It merely requires internet access.⁹⁰ The documents are grouped by functional area and are clearly labeled. All of the Military Law Review and The Army Lawyer articles can be found on this site. The Manual for Courts-martial is front and center. The historical documents and links to Congressional history are useful for drafting motions.

VI. United States Court of Appeals for the Armed Forces

Additionally, the following resource was not created by JAG leadership but nevertheless provides counsel with quick case law updates when counsel are pressed for time. The United States Court of Appeals for the Armed Forces (CAAF), the military's highest appellate court, also maintains a website.⁹¹ Within the website, a digest of opinions can be found. As noted by the disclaimer within the website, this resource:

constitutes no part of the opinions of the United States Court of Appeals for the Armed Forces and it does not represent the official position of the Court. The digest has been prepared by a member of the Court's staff for the convenience of the

public. The digest summarizes key issues from the various opinions of the Court.⁹²

VII. Conclusion

From the new advocate to the experienced litigator, the resources discussed above provide military justice practitioners with tools that allow them to access quickly access pertinent online information. Now that counsel are aware of these tools, becoming familiar with the scope of assistance that these sites offer will allow counsel to capitalize on the knowledge of other attorneys instead of reinventing the wheel. Counsel who previously dreaded the idea of finding information on a new topic will quickly discover that there is little that has not already been discussed.

For example, advocates who are using MJO to draft a charge sheet can take advantage of the Military Judge's website to ensure that the most recent version of the benchbook is being used. As the case progresses and more questions arise about how to conduct effective direct and cross examination, counsel can ask a question on JAGConnect-Criminal Law, or watch a video presentation on JAGU to see a live demonstration.

Furthermore, supervisors and leaders who maximize the use of current platforms can greatly simplify their daily life. For the judge advocate who is placed in a Chief of Military Justice position but has not practiced in a while, the LAWGos are a great refresher on the basics. Use of the tools described in this paper can reduce the time that it takes to be caught back up with current case law, National Defense Authorization (NDAA) updates, etc. LAWgos can also be used to train subordinates in the monthly Leadership and Professional Development sessions. As the JAGC as a whole maximizes the use of existing online tools and search platforms, we will be that much closer to providing uniform advice to commanders built from the common knowledge provided among these sites. That way, as leaders reinforce TJAG's policy by first using the tools themselves and then requiring their subordinates to use them, they will discover the personal benefit of life made easier and the team benefit of improving their subordinate's practice of law.

⁸⁸ Interview with Daniel Lavering, TJAGLCS Law Librarian, in Charlottesville, Va. (Feb. 27, 2014).

⁸⁹ LoC, http://www.loc.gov/rr/frd/Military_Law/military-legal-resources-home.html (last visited Feb. 24, 2015).

⁹⁰ A screenshot of the page is located in the Appendix.

⁹¹ CAAF, <http://www.armfor.uscourts.gov/newcaaf/home.htm> (last visited Feb. 12, 2015).

⁹² CAAF, http://www.armfor.uscourts.gov/newcaaf/opinions_digest.htm (last visited Feb. 12, 2015).